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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/769,055      | 01/29/2004  | Rodolfo B. Manzone   | 55                  | 7014             |

26362 7590 08/23/2005

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EXAMINER

BARRY, CHESTER T

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1724

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/769,055

Applicant(s)

MANZONE, RODOLFO B.

Examiner

Chester T. Barry

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8 is/are rejected.
- 7) ☒ Claim(s) 4-7 and 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/29/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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Claims 1 – 3, 8 are rejected under 35 USC Sec. 103(a) as obvious over WILSHAW, DYER, and TOMIOKA '978.

USP 6030704 to WILSHAW describes a granular oil-sorbing<sup>1</sup> material comprising an organic polymer, e.g., melamine-aldehyde polymer,<sup>2</sup> having both hydrophilic and hydrophobic properties (said polymer having “non-polar moieties”).<sup>3</sup> The polymer is applied to a foamed ceramic material. The reference teaches that the foamed ceramic material may incorporate a biocide added after production of the foamed ceramic material.<sup>4</sup> WILSHAW does not teach irrigating a multitude of contaminant-sorbent polymer particles with a solution containing an antimicrobial compound.

USPP 2002/0132106 to Dyer describes an oil-sorbent polymeric material having antimicrobial properties.<sup>5</sup> Specifically, Dyer teaches treating the polymeric oil-sorbent material with a “substantive polymer coating” having biocidal activity. [0141].

Exemplary of such polymers are those having biguanide moieties attached distally to the main chain of the polymer. The biguanide moiety is said to be a good chelant for various metals having biocidal activity, e.g., silver, zinc, aluminum. Especially preferred are surface treatments of PHMB crosslinked with MBDGA and post-treated with silver iodide. The specific nature of the “post-treatment with silver iodide” is not clear.

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<sup>1</sup> 6/49-54; 7/1-3, 30-67

<sup>2</sup> Abstract; 5/14-33

<sup>3</sup> 5/62; 6/60-64

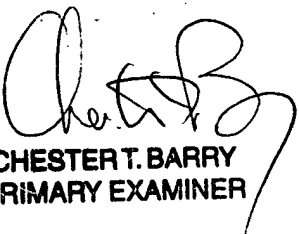
<sup>4</sup> 4/28-31 (additive incorporation generally), 38 (additive may be biocide)

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TOMIOKA '978 teaches that a wide variety of silver salt solutions are recognized as have antimicrobial properties.

In recognition of the presence of both hydrophobic moieties and hydrophilic moieties on the surface of WILSHAW's polymer-coated foamed ceramic particles, it would have been obvious to have coated, soaked, or otherwise "irrigated" WILSHAW's product in a solution of an antimicrobial compound, such as silver iodide or other silver salt, in view of the recognition that silver ions from said solution upon contact with a hydrophilic moiety would be expected to impart antimicrobial properties on the particle. One would be motivated to do so in view of DYER's teaching of antimicrobial hydrophobic sorbents.

Objection is made to claims 4 - 7, 9 as being dependent on a rejected base claim, but would be allowed upon amendment into proper independent or dependent form.

  
CHESTERT T. BARRY  
PRIMARY EXAMINER

8/05

571-272-1152

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<sup>5</sup> [0140] – [0143]